



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/503,604	07/18/95	IMANAKA R	MAT-3720

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E3M1/0624

EXAMINER

GRANT, C

ART UNIT	PAPER NUMBER
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2602

13

DATE MAILED: 06/24/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/503,604

Applicant(s)

IMANAKA

Examiner

Christopher Grant

Group Art Unit

2602



☒ Responsive to communication(s) filed on Mar 24, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 and 6-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-4 and 6-12 is/are allowed.

☒ Claim(s) 13-15 is/are rejected.

☒ Claim(s) 16 and 17 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Block (of record).

Considering claim 13, Saito discloses an apparatus for providing information on demand in figure 2. Note the following:

a) the claimed receiving step is met by the charging center of fig. 2, which receives a request for information (see col. 4, lines 13-34);

b) the claimed transmitting information to at least one of a subscriber display and subscriber recording means is met by broadcasting station which transmits information to TV or recorder of fig. 2; and

c) the charging the subscriber depending upon whether the transmitted information is intended for recording is met by the charging performed by the charge center if (depending) the subscriber intends to record the information on the recording

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means (i.e. charging the subscriber an amount depending upon whether the information is intended for recording).

However, Saito fails to specifically disclose charging the subscriber one of a plurality of amounts as recited in the claim.

Block discloses of charging the subscriber one of a plurality of amounts depending upon whether the program information is intended to be viewed by the subscriber. This means that there are different charges for different programs selected for viewing. See col. 1, lines 40-46.

Therefore, it would have been obvious for one of ordinary skill in the art to modify Saito's system to include charging the subscriber one of a plurality of amounts, as taught by Block, for the typical advantage of having different charges for different programs selected by subscribers.

Considering claim 14, Saito discloses an apparatus for providing information on demand. Note the following:

- a) the claimed receiving means is met by charge center of fig. 2 (see col. 4, lines 13-34);
- b) the claimed sending means is met by broadcasting station of fig. 2; and
- c) the charging means is met by charge center of fig. 2, wherein the subscriber is being charged an amount if the subscriber intends to record the information on the recording means (i.e.

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charging the subscriber an amount depending upon whether the information is intended for recording).

However, Saito fails to disclose charging the subscriber one of a plurality of amounts as recited in the claim.

Block discloses charging plural amounts as described above.

Therefore, it would have been obvious for one of ordinary skill in the art to modify Saito's system to include charging the subscriber one of a plurality of amounts, as taught by Block, for the typical advantage of having different charges for different programs selected by subscribers.

Claim 15 is inherent since the subscriber has the ability to selectively, display or record or both display and record a broadcast program.

Allowable Subject Matter

3. Claims 1-4 and 6-12 are allowable over the prior art of record.

4. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

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Claims 1-4 and 6-12 would be allowable because the prior art fails to disclose or suggest an information on demand system comprising a charging means for charging a different amount (or subscriber discriminating means for discriminating) for the case in which the information is provided to a display means, a recording means or to both the display and record means or a subscriber apparatus comprising a recording and terminal control means as recited in the claims.

Response to Amendment

6. Applicant's arguments with respect to amended claims 13-15 have been considered but are moot in view of the rejection over Saito and Block described above.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

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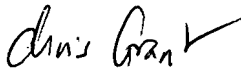
date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached on (703) 305-4702. The fax phone number for this Group is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Chris Grant
June 20, 1997



JOHN K. PENG
SUPERVISORY PATENT EXAMINER
GROUP 2602